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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in Rajya Sabha on 25th July, 2003:—

I

BILL NO. VI OF 2003

A Bill further to amend the Legal Services Authorities Act, 1987.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Legal Services Authority (Amendment) Act, 2003.

(2) It shall come into force with immediate effect.

2. In the Legal Services Authorities Act, 1987 (hereinafter referred to as the principal Act) in section 22A the existing clause (a) shall be renumbered as (aa) and before the clause as so renumbered the following clause shall be inserted, namely:—

‘(a) “Apex Lok Adalat” means an Apex Lok Adalat established under sub-section (3) of section 22B of this Act;’

3. For section 22B of the principal Act the following shall be substituted, namely:—

“22B (1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

(2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of—

(a) a person who is a sitting District Judge or sitting Additional District Judge shall be the Chairman of the permanent Lok Adalat;

Short title and commencement.

Amendment of section 22A.

Substitution of new section for section 22B. Establishment of Permanent and Apex Lok Adalats.

(b) two other persons having minimum qualification of graduation in any of the disciplines related to the public utility service or having experience in service relating to dispute or disputes to be conciliated and to be settled and who have held the post of class one officer without any blemish for a minimum period of three years to be nominated by the Central Government on the recommendation of the Central Authority, or as the case may be State Authority, appointed by the Central Authority establishing such permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and the persons referred to in Clause (b) shall be such as may be prescribed by the Central Government.

(3) Notwithstanding anything contained in section 19, the Central Authority shall, by notification, establish Apex Lok Adalat.

(4) Every Apex Lok Adalat established under this Act shall consist of:—

(a) two persons out of whom one shall be sitting High Court Judge and the other shall be retired High Court Judge who has not exceeded the age of sixty-five years or a person who shall be eligible to become a judge of the High Court and has completed the age of fifty years but has not crossed the maximum age limit of sixty-five years; and

(b) one person have minimum qualifications of post-graduation in any of the faculties related to the public utility service who has held the post of class one officer for a minimum period of seven years, to be nominated by the Central Government on the recommendation of the Central Authority, establishing such Apex Lok Adalat and the other terms and conditions of the appointment of the Chairman and the persons referred to in clause (b) shall be such as may be prescribed by the Central Government.”

Amendment
of section
22C.

4. In section 22C of the principal Act:—

(i) for sub-section (8) the following sub-section shall be substituted, namely:—

“(8) where the parties fail to reach at an agreement under sub-section (7), the issue or issues in dispute shall be referred by the Permanent Lok Adalat to the Apex Lok Adalat constituted and established under sub-section (3) of section 22B of the Act for resolving the issue or issues in dispute judiciously and to report to the Permanent Lok Adalat to bring about a settlement as provided under sub-section (7) of section 22C of the Act.”

(ii) after sub-section (8) the following new sub-section shall be inserted, namely:—

“(9) the Apex Lok Adalat shall judiciously and efficaciously enter the findings on the issue or issues in dispute after having heard parties to the dispute in accordance with the principles of natural justice within 45 days from the date of reference and report its findings to Permanent Lok Adalat.”

Substitution of
new section
for section
22D.

5. For section 22D of the principal Act following section shall be substituted, namely:—

“22D (1) The permanent Lok Adalat or the Apex Lok Adalat as the case may be, while conducting conciliation proceedings or while resolving the referred issue or issues in disputes under this Act shall be guided by the principles of Natural Justice.

(2) The proceedings before the Permanent Lok Adalat and Apex Lok Adalat shall be in the nature and spirit of summary proceedings and the proceedings before the Apex Lok Adalat shall not in any way be extended beyond the period of ninety days from the date of intimation regarding the pendency of the application before the Permanent Lok Adalat by the parties.”

Amendment
of section 23.

6. In section 23 of the principal Act, for the words “members of the Lok Adalat or the persons constituting permanent Lok Adalat” the words “members of the Lok Adalats or the members constituting permanent Lok Adalat or Apex Lok Adalat” shall be substituted.

Amendment
of section 27.

7. In section 27 of the principal Act, in sub-section (2), clause (1a) for the word, bracket and figure “sub-section (2)”, the words, brackets and figures “sub-sections (2) and (3)” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Legal Services Authorities Act was enacted in 1987 giving legal status to Lok Adalats. The Act was amended many times to make it more effective. The latest amendment to the Act was done through Act No. 37 of 2002.

The object of this Bill is to make the constitution and functioning of the permanent Lok Adalat more judicious and thereby bring about speedy and efficacious settlement agreement through permanent Lok Adalat relating to disputes wherein one party will be the public utility Service as defined in the Act 37 of 2002 and for the constitution and establishment of Apex Lok Adalat to enter into the findings on the disputed issue or issues through conciliation by permanent Lok Adalat.

Hence this Bill.

N. K. PREMCHANDRAN.

FINANCIAL MEMORANDUM

Sub-clause (4) of clause 3 of the Bill provides for the establishment of Apex Lok Adalat. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Rs. Two crores per annum may involve as recurring expenditure.

Non recurring expenditure to the tune of Rs. One crore may also involve.

II

BILL NO. XLIV OF 2003

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.

(2) It shall come into force at once.

Insertion of
new Article
371J.

2. After article 371I of the Constitution the following article shall be inserted namely:—

Special
provision with
respect to the
State of
Karnataka.

“371J. (1) The President may by order made with respect to the State of Karnataka, having regard to the requirements of the State as a whole, provide for equitable opportunities and facilities for the people belonging to different parts of the State, in the matter of public employment and in the matter of education and different provisions may be made for various parts of the State.

(2) An order made under clause (1) may, in particular:—

(a) specify any part or parts of the State which shall be regarded as the local area—

(i) for direct recruitment to posts in any local cadre under the State Government;

(ii) for the purposes of admission to any University or Professional courses within the State or to any other educational institution which is subject to the control of the State Government.

(b) specify the extent to which the manner in which and the conditions subject to which preference or reservation shall be given or made,—

(i) in the matter of direct recruitment to posts in any such cadre referred to in clause (2) (a) (i) as may be specified in this behalf in the order;

(ii) in the matter of admission to any such University, professional courses or other educational institution referred to in clause (2) (a) (ii) as may be specified in this behalf in the order to or in favour of candidates who have resided or studied for any period specified in the order in the local area in respect of such cadre, University or other educational institution, as the case may be;

(c) specify the special programmes to be taken up for the all-round development of such local areas."

STATEMENT OF OBJECTS AND REASONS

At present, special provisions with respect to States like Andhra Pradesh, Maharashtra, Gujarat etc. have been made in the Constitution. The main objective of these special provisions is to ensure that the areas which are most backward educationally, economically, and in all respects including lack of infrastructure like roads, power, water supply, hospitals, schools, etc. should be developed at par with other developed areas in the State. Likewise, in Karnataka, the districts which have been given to Karnataka like Gulbarga, Bidar, Raichur, Bellary, Koppal require special programmes so as to come to the level of other districts in the State. Though the Government of Karnataka has been spending crores of rupees every year, it is impossible to achieve comprehensive development of these areas. Hence, it is intended to make special provision in the Constitution by amending article 371 to achieve all-round development of the most backward areas of Karnataka.

Hence this Bill.

K. B. KRISHNAMURTHY

III

BILL NO. XLIII OF 2003

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.

Short title and
commencement.

(2) It shall come into force at once.

2. In article 202 of the Constitution in clause (3), for sub-clause (d), the following sub-clause shall be substituted namely:—

Amendment
of article 202.

“(d) expenditure in respect of the salaries and allowances of Judges of any High Court, Lokayukta and Up-Lokayukta;”

STATEMENT OF OBJECTS AND REASONS

At present, under Article 202 (3) of the Constitution, the expenditure in respect of the salaries and allowances of Judges of any High Court shall be charged upon the Consolidated Fund of a State and these shall not be submitted to the vote of the Legislative Assembly. The intention for excluding certain expenditure for being voted in the Assembly and for being discussed is to ensure that judges are allowed to function impartially without any fear and interference from any institution. Since Lokayukta and Up-Lokayukta are functioning like judiciary and appointed by following special procedure to check corruption in the administration. It is intended to amend the Constitution by including the expenditure of these institutions under charged item. This provision will enable them to work fearlessly and impartially.

Hence this Bill.

K. B. KRISHNAMURTHY

YOGENDRA NARAIN,
Secretary-General.